

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA

Clarence C. Voigt,)
)
)
Plaintiff,) **ORDER ADOPTING REPORT**
) **AND RECOMMENDATION**
)
vs.)
)
) Case No. 1:16-cv-155
Adam Hamm, et. Al.,)
)
)
Defendant.)

The Plaintiff initiated this *pro se* civil rights action on June 8, 2016. See Docket No. 1. After screening the complaint as required by 28 U.S.C. § 1915(e)(2), Magistrate Judge Charles S. Miller, Jr. issued a Report and Recommendation on June 24, 2016, in which he recommended Voigt's federal claims be dismissed with prejudice as they are not cognizable under 42 U.S.C. § 1983. Judge Miller also recommended that the Court decline to exercise supplemental jurisdiction over Voigt's non-federal claims. The parties were given fourteen days to file any objections to the Report and Recommendation. The Plaintiff filed an objection to the report and recommendation and a motion to amend the complaint on July 14, 2016. See Docket Nos. 7 and 8.

The Court has carefully reviewed the Report and Recommendation, relevant case law, and the entire record, and finds the Report and Recommendation to be persuasive. The Court finds the Plaintiff's objection to Judge Miller's Report and recommendation unpersuasive. The complaint fails to state any cognizable claims under Section 1983, and the exercise of supplemental jurisdiction over the non-federal claims is unwarranted. The motion to amend the complaint fails as well as the Plaintiff has not included a proposed amended complaint along with his motion and the Court fails to see how an amendment can save claims that are clearly not cognizable under Section 1983.

Accordingly, the Court **ADOPTS** the Report and Recommendation (Docket No. 6) in its entirety and **ORDERS** Voigt's federal claims be **DISMISSED** with prejudice and his non-federal

claims be **DISMISSED** without prejudice. The motion to amend the complaint (Docket No. 7) is **DENIED**.

IT IS SO ORDERED.

Dated this 18th day of July, 2016.

/s/ Daniel L. Hovland

Daniel L. Hovland, District Judge
United States District Court